

**LEGAL PRESENCE PANEL  
SUMMARY NOTES FOR MEETING OF 17 JULY 2003**

**NEXT MEETING**

- ▶ Thursday, **August 28, 2003**, 10:00 a.m. to 1:00 p.m. in the executive conference room at DMV headquarters.

**TASKS & INFORMATION NEEDED FOR THE NEXT MEETING**

- ▶ Documentation of the possibility of DMV maintaining information on customers who are denied a license because of the legal presence requirement — Staff (see Outreach Efforts on page 5).
- ▶ Notification to Vivian Cheatham of preferred dates for meeting in September and October (see page 5) — Panel members. Vivian can be reached at (804) 367-6606 or via e-mail at [dmvvrc@dmv.state.va.us](mailto:dmvvrc@dmv.state.va.us).

**SUMMARY OF RECOMMENDATIONS MADE**

**On New and Revised Action/Issue Statements:**

- ▶ POL-16: Applicability of new law to licenses suspended, revoked or cancelled prior to January 1, 2004 — Approved.
- ▶ POL-17: License status post-compliance and pre-legal presence — Approved contingent on inclusion of additional information.

**SUMMARY OF DISCUSSIONS**

▶ **Summary of project status.**

The chairman opened the meeting with a quick review of the project status and next steps. The panel has made significant progress and most of the policy issues have been reviewed, revised or amended as necessary and approved. Next steps include considering the few remaining policy issues, feedback information from outreach activities, review of implementation planning activities, and feedback from the Office of the Secretary of Transportation.

During the first week of November, a draft of the report to the General Assembly needs to be sent to the Secretary, and on December 1, the final report is due to the Governor and General Assembly. DMV will be conducting extensive training and making the needed changes to its systems to implement legal presence. The goal is to guarantee a consistency in the treatment of all customers.

- ▶ **POL-10: Obtaining DMV documents during period of valid legal presence in the U.S. — To be amended and e-mailed to members for comments.**

This action/issue statement was originally considered, revised and approved with changes in the previous panel meeting of July 2, 2003. It addresses the question of whether an applicant who has proved legal presence and been issued a license needs to re-prove legal presence to obtain another license during the same period of authorized residency. Panel members revisited this issue/action statement and raised additional questions concerning when persons with revoked or suspended licenses must re-prove legal presence. Staff explained that the customer's DMV

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record will be noted with the type of document used to provide proof of legal presence, and that at all times, any expiration date on a legal presence document will be used as the expiration date of the license. A customer who is on record as having proved legal presence will not be required to re-prove unless DMV is informed that the customer's presence in the U.S. may not be authorized. Members then asked that the Impact and Challenges section be amended to clarify:

- the distinctions between a revocation and a suspension,
- when a customer must re-prove legal presence,
- that a revocation means that the customer must complete the entire licensing process – including proof of legal presence, and
- use of the expiration date on the legal presence document as the expiration date of the license.

The chairman directed staff to make the revisions and send the amended document via e-mail to the panel members for review/approvals.

► **Budget Presentation.**

Bill Landside, DMV's Chief Financial Officer, gave a brief presentation on the budget provided for implementation of legal presence. The 2003 General Assembly has authorized \$1 million for implementation, through a diversion of \$1 per transaction from the Jamestown 2007 Celebration funds. DMV is setting up special accounting codes to closely track and monitor use of these funds. The legislative language states the intent to fund legal presence, but does not indicate any funding past 2008. It can and will be argued that, as written, the intent is to provide yearly funding and that DMV can make a strong case for the need for an on-going revenue source. DMV will not include costs for items already included in its budget — the appropriated implementation costs will be used only for new employees, training and programming needed to implement and maintain legal presence.

DMV estimates that 21 new employees will be needed to support legal presence activities in the customer service centers; therefore, most of the costs will go to salaries. Salaries and benefits per such employee is estimated to be around \$40,000 to \$50,000 (benefits are 28%). DMV has flexibility up until the time it begins to hire these new employees. Most of the \$1 million will be needed for salaries.

Panel members asked about the \$400,000 in unobligated general funds and the possibility of additional funding from the General Assembly, as well as the possibility of obtaining federal funds. Mr. Landside indicated that while DMV cannot depend on the unobligated funds, it is proficient in obtaining and managing federal grants, so that may be investigated as a possibility. The chairman stated that DMV may soon have to either get help with revenues or cut expenditures, but that in any case the implementation funds are going to be managed carefully and conscientiously. DMV does not want to diminish customer service so it is planning to keep within the \$1 million provision.

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- ▶ **POL-16: Applicability of new law to licenses suspended, revoked or cancelled prior to January 1, 2004 — Approved contingent on additional comments being added.**

The issue concerns whether proof of legal presence will apply to customers who come to a DMV office to reinstate or re-apply for a license that was revoked, suspended or cancelled before proof of legal presence was implemented. In the meeting of July 2, panel members requested that this action/issue statement be revised and at the same time, split into two separate documents – one to address the issue of legal presence compliance applied retroactively to persons whose license is suspended or revoked before January 1, 2004, and one to address the issue of license status.

Members approved the revised version, with one dissenting vote. Mr. Hager voted against it, stating that he felt including the provision to seek advice from “the Office of the Governor” is a redundancy. The standard review process for all action/issue statements includes review by the Governor’s Office. It was decided to include his comment and relay it to Secretary Clement.

- ▶ **POL-17: License status post compliance/pre-legal presence proof — Approved with additions and revisions.**

This action/issue statement concerns those persons whose license has been suspended or revoked, and who have complied with all license reinstatement provision except for proof of legal presence. The question addressed is what license status should be reflected on the DMV record. Under the standard process, the record of anyone who has not complied with all of the suspension or revocation order provisions shows “suspended” or “revoked” until complete compliance is made. Anyone who is caught driving under a suspended or revoked license faces conviction of a class 1 misdemeanor.

DMV recommends that the driving record of any person who has complied with all provisions of revocation or suspension – except for proof of legal presence – show a status of “not licensed.” A conviction of driving without a license carries a lesser penalty than driving under suspension or revocation.

Members questioned the impact of this on police and public safety. The Public Safety representative (Mr. Chumley) explained that there would be no discernable impact on police agencies. Members then questioned the consequences of this recommendation: Under what criteria would someone be stopped, and whether police would receive any information about why the person was not licensed. Concerns were expressed about the fairness of the process. Mr. Chumley explained that much work has been done to ensure fair policing. The Governor’s task force on unbiased-based policing will soon issue its report; all efforts are being made to ensure fairness. Members also mentioned the need for working with police and advocacy groups across the state.

Concerns were raised about the impact of this recommendation on law enforcement agencies in other states – whether “not licensed” would cause problems. At this point, members requested that the Impact and Challenges section include information detailing the impact on a customer, trying to get licensed in another state, if the customer’s license status was revoked or suspended versus not licensed.

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Members then requested that the recommendation be modified as follows:

In order to promote fairness for drivers who have satisfied all reinstatement requirements except proof of legal presence, DMV recommends, subject to approval by the Attorney General's Office, that the records for any revoked or suspended license be changed to reflect a "not licensed" status if all compliance actions have been satisfied and proof of legal presence is the only requirement still pending. If records are modified this way, pending compliance with the legal presence requirement, any person who drives would be cited for driving without a license, which carries a lesser penalty than driving under suspension or revocation and any person who is applying for a license in another state will not be required to prove legal presence in Virginia in order to clear their DMV driving record.

► **Outreach Efforts.**

Staff presented information on the latest public meetings. Seven meetings have been held so far, with an average attendance of around 12 persons per meeting. The focus of the meetings have been on implementation. These efforts include explanations of HB 1954 and SB 1068 and what impact this legislation will have. Emphasis is being placed on an equitable and fair implementation of the new laws. Information is also being included that explains the purpose of the Legal Presence Panel and how it operates. Future meetings will be held evenings in DMV CSC locations in Woodbridge, Manassas, Richmond headquarters, Harrisonburg, Winchester, Roanoke, and Hampton-Hilltop.

Staff reported attendance to date is satisfactory and that they have been able to take advantage of local interest and community groups for advertisements and attendees recruitment. Feedback to date includes concerns expressed about:

- Who will be affected by this law
- What documents will be needed
- Ensuring that training is given to DMV employees on the new law, cultural issues and diversity
- Ensuring that DMV employees who do not follow guidelines and procedures face disciplinary action
- Request for at least one legal presence expert in each CSC
- Possibility to retain and track legal presence-rejected applications.

Upcoming meetings will be held at

- July 21 - Winchester Customer Service Center
- July 23 - Roanoke Customer Service Center
- July 24 - Hampton Roads - Hilltop CSC
- August 5 - Onancock Customer Service Center
- August 6 - Emporia Customer Service Center
- August 11 - South Boston Customer Service Center
- August 12 - Martinsville Customer Service Center
- August 19 - Abingdon Customer Service Center

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- August 20 - Waynesboro Customer Service Center

Members discussed how to use the information received through these public meetings. Suggestions were made to putting information on the website to having staff bring new recommendations to the panel, based on comments received in the public meetings. It was decided that any ideas to be developed should be documented as an action/issue statement and brought to the panel. Members further requested that information on upcoming meetings be communicated to relevant embassies. They also requested that a specific comment from one of the outreach meetings be developed as a policy recommendation and be brought back to the panel. This comment asked about the possibility of DMV maintaining information on customers who are denied a license because of the legal presence requirement.

► **Training Implementation Plan.**

Staff presented the plan to be followed to deliver training to DMV employees. Training will consist of both technical and interpersonal components. The emphasis will be on the human interaction needs, basic service skills and multi-cultural impact (both on DMV employees and customers). In addition, technical training components will focus on how to handle the system and process requirements. Role-playing and practice sessions will be provided throughout the course. Training will be conducted in each of the DMV districts by two teams per district. It will take several months to train approximately 1,000 DMV employees. The training team is working closely with the procedures team, as draft procedures will be used during the training.

► **Procedures Implementation.**

The procedures team is working with the policy team to develop a shell procedure, and have identified where changes to the current licensing process need to occur. This process will go through several steps and stages – such as identifying an exception process. As feedback comes in from the training and systems teams, the procedures will be refined and amended.

► **Systems Implementation.**

DMV is working on its various systems, contained on three platforms, to incorporate all of the components that are needed to process a transaction, account for monies and set up or update records. It involves working on fiscal components, internal and external customers, licensing transactions, transcripts production, and so forth. These elements contained on the DMV mainframe computer system, on the website and on any systems output used by others (such as courts and law enforcement) must be updated.

► **Prospective Dates for Next Meetings.**

Panel members were given a handout listing possible dates for the next three meetings (one each month). Members are to contact Vivian Cheatham at (804) 367-6606 or via e-mail at [dmvrc@dmv.state.va.us](mailto:dmvrc@dmv.state.va.us) to let her know their preferred dates.

Possible dates are:

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August:

- Monday, August 25
- Wednesday, August 27
- **Thursday, August 28 (selected date)**

September

- Monday, September 22
- Tuesday, September 23
- Wednesday, September 24
- Friday, September 26

October

- Week of October 20<sup>th</sup>

► **Outreach To Other Governmental Agencies and Organizations.**

Staff presented a list of proposed governmental agencies and organizations to be contacted about implementation of legal presence. Panel members approved the list with the addition of the Department of Agriculture.

► **Sample Notifications for Legal Presence Requirements.**

Staff presented drafts of notifications of the need for legal presence requirements. Two versions were presented: One will be used as the standard statement in orders of suspension or revocation, and one will be used on driver license renewal application notices. Panel members stressed the need for consistency and requested that the term "legal presence" be used in all such cases, as it is a term the public is familiar with.

The meeting convened at 10:05 a.m. and adjourned at 1:40 p.m.

**ATTENDEES**

**Panel Attendees:** D. B. Smit, John Hager, Robert Crouch, Steve Chumley, Lynette Coughlin, Mark Rhoads (representative for Helen Konrad), Walter Tejada, David Neumeyer, Ricardo Castaneda, and Ralph Davis.

**Others in Attendance:** Eric Fiske (Virginia Office of the Attorney General); Bill Landsidle, Barbara Klotz, Philip Vasquez, Karen Chappell, Anne Atkins, Maxine Carter, David Pierce, Mary Kaye Walker, and Bonnie Glover (Department of Motor Vehicles).

**Notetaker:** Michie Longley